



05 MAR 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sylmark, Inc.
7821 Orion Avenue
Suite 200
Lake Balboa, CA 91406

In re Application of
ERKEN, Jacob Wilhelmus
Application No.: 10/595,552
PCT No.: PCT/AU2004/001477
Int. Filing Date: 27 October 2004
Priority Date: 27 October 2003
Atty. Docket No.: WAG-4002US
For: MULTI-PURPOSE CLEANING
TOOL

COMMUNICATION

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 27 April 2006, applicant filed the present national stage application using the EFS-Web electronic filing system. During the electronic filing process, applicant identified the application as the U.S. national stage under 35 U.S.C. 371 for PCT/US2004/001477, the attorney docket number as WAG-4002US, and the title as "Multi-Purpose Cleaning Tool." (A copy of the specification, claims, abstract, and drawings for "Multi-Purpose Cleaning Tool" was included with the electronic filing.) The submission was assigned U.S. application number 10/595,552.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2004/001477, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

COMMUNICATION

A review of the international publication for PCT/AU2004/001477 reveals that this is the international application corresponding to the application submitted here. However, the application initiated by applicants misidentified the international application number as PCT/US2004/001477. Based on applicants' error, a national stage application file was created for PCT/US2004/001477, rather than for PCT/AU2004/001477.

On 27 October 2004, applicants filed international application no. PCT/AU2004/001477 which claimed a priority date of 27 October 2003 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 May 2005. Pursuant to 37 CFR 1.495, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 27 April 2006.

Further review of the application papers originally filed on 27 April 2006 reveals that none of the originally filed papers identified PCT/AU2004/001477. As such, none could be used to identify the correct international application. Therefore, the basic national fee could not have been associated with the correct international application no. PCT/AU2004/001477 as of 27 April 2006, and thus, the application is **ABANDONED** for failure to timely pay the basic national fee.

In order to continue processing of the national stage application for PCT/AU2004/001477, applicant must submit a petition under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in 37 CFR 1.137. Such a petition must: (1) specifically identify the international application for which national stage entry was intended; (2) explain the presence of the conflicting instructions (i.e., typographical errors, etc.); and (3) correct the file record to correspond with the desired application, where appropriate (i.e., submit a corrected Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459